

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

INDACON, INC.

PLAINTIFF,

V.

FACEBOOK, INC.,

DEFENDANT.

Civil Action No. 5:10-cv-966

JURY DEMAND

FACEBOOK'S DESIGNATION OF NON-REBUTTAL EXPERT WITNESSES

Defendant Facebook, Inc. (“Facebook”) designates its testifying, non-rebuttal expert witnesses in accordance with the Court’s scheduling orders, and Rule 26(a)(2) of the Federal Rules of Civil Procedure. Facebook will designate its Rebuttal Expert Witnesses on April 25, 2014, pursuant to the Amended Scheduling Order dated November 26, 2013.

RETAINED EXPERT

1. Edward (“Ed”) R. Tittel
2443 Arbor Drive
Round Rock, TX 78681-2160
(512) 252-7497
www.edtittel.com

The materials required by Federal Rule of Civil Procedure 26(a)(2)(B) as they relate to Mr. Tittel are being served on Plaintiff Indacon, Inc., but not filed with the Court in accordance with the Court's directives.

RESERVATIONS

Facebook further reserves the right to elicit opinion testimony from all witnesses designated by Plaintiff. As to the individuals Plaintiff designates as experts, Defendant further reserves the right to call those individuals as trial witnesses at any time during the trial and/or to elicit expert opinion testimony from Plaintiff's expert witnesses on cross-examination. However, this reservation is not to be interpreted or construed as a stipulation that any of Plaintiff's designated experts are qualified to provide opinion testimony or that their proffered testimony is relevant or reliable.

Facebook reserves the right to supplement this Designation of Non-Rebuttal Expert Witnesses in order to designate additional expert witnesses or provide additional information as may be required by the Court's Scheduling Order or the Federal Rules of Civil Procedure.

Dated: April 11, 2014

OF COUNSEL:

Respectfully submitted,

Michael G. Rhodes (admitted pro hac vice)
COOLEY LLP
101 California Street – 5th Floor
San Francisco, CA 94111-5800
Telephone: (415) 693-2000
Fax: (415) 693-2222
mrhodes@cooley.com

/s/ Heidi L. Keefe

Heidi L. Keefe

Heidi L. Keefe (admitted pro hac vice)
Mark R. Weinstein (admitted pro hac vice)
Lowell D. Mead (admitted pro hac vice)
Elizabeth L. Stameshkin (admitted pro hac vice)
COOLEY LLP
3175 Hanover Street
Palo Alto, CA 94304
Telephone: (650) 843-5000
Fax: (650) 849-7400
hkeefe@cooley.com
mweinstein@cooley.com
lmead@cooley.com

Ricardo G. Cedillo (TX Bar # 04043600)
Mark W. Kiehne (TX Bar # 24032627)
Davis, Cedillo & Mendoza, Inc.
McCombs Plaza, Suite 500
755 E. Mulberry Avenue
San Antonio, Texas 78212
Phone: (210) 822-6666
rcedillo@lawdcm.com
mkiehne@lawdcm.com

Attorneys for Defendant Facebook, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served electronically in compliance with Local Rule CV-5(a). As such, the foregoing document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(b)(1). Pursuant to Fed. R. Civ. P. 5(a)-(d) and Local Rule CV-5(b)(2), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 11th day of April, 2014.

/s/ Elizabeth L. Stameshkin

Elizabeth L. Stameshkin